



THE LAW OFFICES OF

MAR 25 2008

MEMO ENDORSED

STEVEN L. KESSLER

March 24, 2008

The Honorable Richard M. Berman
 United States District Judge
 Southern District of New York
 500 Pearl Street
 New York, N.Y. 10007

Re: *Mark Kapiti v. Raymond W. Kelly, et al.*
Index No. 07 Civ. 3782 (RMB)

Dear Judge Berman:

This office represents plaintiff Mark Kapiti in the referenced civil rights action.

SO ORDERED:Date: 3/29/08

Richard M. Berman
Richard M. Berman, U.S.D.J.

*Adjourned to 4/14/08 @ 2:00 P.M.
 in Rm 14A. With principals who
 should also negotiate settlement
 in advance of conference.*

Last week, Your Honor endorsed a letter from defendants' counsel, requesting that the Court adjourn the settlement conference, originally scheduled for March 18, to a date after the joinder of Honda as a third-party defendant in this case. The Court adjourned the conference to March 31, at 3:15 p.m. Unfortunately, I have a conflict at that time, as I teach at New York Law School on Mondays and Wednesdays at 4 p.m. I immediately contacted the Court and was advised to send this letter.

I am available earlier in the afternoon on March 31, between 2 p.m. and 3 p.m., if that is convenient for the Court. Otherwise, this office respectfully requests that the conference currently scheduled for March 31 be adjourned to an appropriate date and time.

Parenthetically, I received a copy of defendants' Affidavit of Service of the Summons and Complaint upon Honda, indicating that the date of service was March 19, 2008. Any responding papers would therefore not be due until April 8 at the earliest, depending on the method of service. Therefore, as the conference was apparently adjourned to bring Honda to the table, it is respectfully suggested that the conference be scheduled for a date after the due date of Honda's response to the third-party complaint.

The Honorable Richard M. Berman
March 24, 2008

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Thank you for your kind consideration in this matter.

Sincerely,



Steven L. Kessler

SLK:rmaf

cc: ACCs Philip S. Frank & David M. Hazan